

Exhibit A

From: [REDACTED]
To: [Valliere, Barbara \(USACAN\)](#); [Waldinger, Kyle \(USACAN\)](#); [Steven Kala \[REDACTED\]](#); [Jennifer Granick](#); [Riana Pfefferkorn](#)
Cc: [Diana Weiss \[REDACTED\]](#)
Subject: Ad Hoc Committee on Public Access
Date: Thursday, December 20, 2018 12:11:56 PM
Attachments: [DDC MOU Electronic Filing of Certain Sealed Apps and Orders.pdf](#)
[C.D. Cal. General Order 17-02 Criminal Duty Electronic Filing Pilot Project cdca.pdf](#)
[AZD Local Rule 79.1.pdf](#)

I write on behalf of the newly formed Ad Hoc Committee on Public Access of the United States District Court for the Northern District of California. Our charge is to consider whether changes should be made to our policies and procedures in order to increase public access to information about sealed investigatory applications and orders in criminal matters. The Committee seeks your input. I should note that there is pending litigation in this court on these and related issues. Please refrain from commenting on that litigation in your submissions to the Committee, as the Committee will not be reconsidering any issues that are addressed by the court in that litigation.

As you know, the Court has various procedures regarding applications to judges in this district for the following investigatory tools: (1) Search Warrants under Fed. R. Crim. P. 41; (2) Applications and orders under the Stored Communications Act; (3) Pen register and Trap and Trace applications and orders; (4) All Writs Act applications and orders; and (5) Wire Tap Act applications and orders. Please comment on whether any changes should be made to the procedures for any of these categories of investigatory tools, or with respect to other investigatory tools you think should be addressed, in order to increase public access. Among the issues that we would like you to consider are the following:

1. In general, and for each kind of application and order, whether and how public access should be provided;
2. Whether there should be electronic filing in PDF format of these applications and orders, and, if so, what procedures should be followed;
3. Whether the court should make public disclosure of certain information included in these applications and orders, and, if so, which types of information and how that information should be disclosed, including whether that information should be disclosed as an aggregation of data or individually; and
4. Whether the court should have an unsealing deadline or presumption with respect to all or part of these sealed applications, and, if so, how such an unsealing deadline or presumption should be implemented;

This list is not meant to be exhaustive: please address any issues regarding future public access to these materials that you believe to be appropriate.

Several other courts have implemented various procedures addressing these issues, and we invite you to consider and comment on the advisability of this district adopting any of those measures. Please include in your comments the procedures adopted by the following districts: (1) the District of Columbia (MOU attached); (2) the District of Arizona (Local Rule 79.1 attached); and (3) the Central District of California (General Order 17-02 attached). If there are other districts whose procedures we should consider, please include them, such as in the Western District of Washington where there has been litigation on this subject.

We would like to begin to address these issues on a prospective basis as soon as possible. Accordingly, we request that you provide any input you may have by January 21, 2019.

Kind Regards.

Joseph C. Spero

Chair, Ad Hoc Committee



Joseph C. Spero

Chief United States Magistrate Judge
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
[REDACTED]